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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,315	01/04/2006	Takeshi Iwatsu	277510US6PCT	8351
22850 7590 07/05/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER SAFAIPOUR, BOBBAK	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 07/05/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/563,315	Applicant(s) IWATSU ET AL.	
	Examiner Bobbak Safaipoor	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-17 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is in response to Applicant's response filed on 3/29/2007. Claims 1-17 are still pending in the present application. **This action is made FINAL.**

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been fully considered but they are not persuasive.

The Examiner notes that on the second page of the Applicant's Remarks/Arguments (numbered page 10), "amended claim 7" should be written as --Amended claim 8-- because the limitation "a searching unit configured to search the database for associated information concerning the on-air program broadcast by the broadcasting station" is not recited in dependent claim 7. This limitation is recited in independent claim 8, and claims 9-12 dependent therefrom.

In the present application, Applicant essentially argues that Mackintosh et al (US 6,317,784) fail to teach "searching associated information from a database storing a plurality of associated information concerning an on-air program broadcasted by a broadcasting station" as recited in independent claims 1 and 13. Applicant further argues that Mackintosh describes a system that receives information pertaining to broadcasted materials in real time or before the broadcasted materials are broadcast from a program provider (col. 5, lines 38-51). Thus, the device never has to search for any information pertaining to broadcasting materials, as the appropriate information pertaining to broadcasted materials are provided by the program provider.

Examiner respectfully disagrees. Mackintosh et al clearly disclose that a listener can obtain information regarding other artists to the listeners enjoying by searching for other titles or artists who also have a similar sound, style, or feel (read as searching association information). A database provides relational information for the various artists based on their style, sound, or other features or characteristics of the artist. The listener can also select sample sound tracks from various other artists or albums that are selected in this manner. (col. 15, lines 13-25).

Therefore, if a user likes a particular sound and wants to hear a brief sample of an album by another artist, the listener can accomplish this with a simple selection. The database can be maintained within a supplemental server that allows sample tracks to be stored directly therein. Additionally, sample tracks can be provided for the current album such that the listener can sample other tracks of the current album before deciding whether to purchase that album. (col. 15, lines 25-36).

Independent claim 8 recites similar features of independent claims 1 and 13. As a result, the argued features are written such that they read upon the cited reference.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Mackintosh et al (US Patent # 6,317,784 B1)**.

Consider **claim 1**, Mackintosh et al disclose an information provision method comprising:

searching associated information from a database storing a plurality of associated information concerning an on-air program broadcasted by a broadcasting station (read as tracks of music) (col. 15, lines 13-36);

accepting an acquisition request for the associated information from a broadcast receiver to receive a broadcast signal for the program (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20; figure 1; Program provider can provide to data server an identification of the broadcast materials that are being broadcast or others provided to user equipment. This data can be sent in real time as the broadcast materials are being broadcast or otherwise sent to user equipment or the data can be sent in advance of the delivery of the broadcast materials, wherein a schedule for the programming materials such that supplemental information associated with the broadcast materials can be coordinated with the broadcast materials.);

setting the associated information stored in the database in accordance with timing of accepting the acquisition request as transmitted information (col. 5, lines 38-51; col. 6, lines 40-45; col. 7, lines 23-30; figure 1;)

transmitting the associated information to the broadcast receiver (col. 5, lines 38-51; col. 6, lines 40-45; col. 7, lines 23-30; figure 1; The broadcast materials that are being broadcast can be sent in real time as the broadcast materials are being broadcast or in advance of the delivery of the broadcast materials); and

when the on-air program changes to a next program, resetting the transmitted information as associated information of the next program for transmission (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7; When the data is provided by program provider in advance of the broadcast material, the data server can build a schedule for retrieval of the supplemental materials and their delivery to user equipment. The supplemental materials are provided to user equipment such that they can be presented to user equipment in coordination with the broadcast materials).

Consider **claim 8**, Mackintosh et al disclose an information provision apparatus characterized by comprising:

a database configured to store a plurality of associated information concerning an on-air program broadcasted by a broadcasting station (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20; figure 1);

a searching unit configured to search the database for associated information concerning the on-air program broadcasted by the broadcasting station (col. 15, lines 13-36);

an acceptance unit configured to accept an acquisition request for the associated information from a broadcast receiver to receive a broadcast signal for the program (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20; figure 1; Program provider can provide to data server an identification of the broadcast materials that are being broadcast or others provided to user equipment. This data can be sent in real time as the broadcast materials are being broadcast or otherwise sent to user equipment or the data can be sent in advance of the delivery of the broadcast materials, wherein a schedule for the programming materials such that supplemental

information associated with the broadcast materials can be coordinated with the broadcast materials.);

a transmitter configured to read the associated information stored in the database synchronously with timing to accept the acquisition request by the acceptance unit as transmitted information and to transmit the associated information to the broadcast receiver (col. 5, lines 38-51; col. 6, lines 40-45; col. 7, lines 23-30; The broadcast materials that are being broadcast can be sent in real time as the broadcast materials are being broadcast or in advance of the delivery of the broadcast materials); and

a resetting unit configured to reset the transmitted information which should be read from the database for transmission when the on-air program changes to a next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7; When the data is provided by program provider in advance of the broadcast material, the data server can build a schedule for retrieval of the supplemental materials and their delivery to user equipment. The supplemental materials are provided to user equipment such that they can be presented to user equipment in coordination with the broadcast materials).

Consider **claim 13**, Mackintosh et al disclose an information provision program allowing an information processing apparatus to perform the steps of:

searching associated information from a database storing a plurality of associated information concerning an on-air program broadcasted by a broadcasting station (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20; figure 1; col. 15, lines 13-36);

accepting an acquisition request for the associated information from a broadcast receiver to receive a broadcast signal for the program (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20; figure 1; Program provider can provide to data server an identification of the broadcast materials that are being broadcast or others provided to user equipment. This data can be sent in real time as the broadcast materials are being broadcast or otherwise sent to user equipment or the data can be sent in advance of the delivery of the broadcast materials, wherein a schedule for the programming materials such that supplemental information associated with the broadcast materials can be coordinated with the broadcast materials.);

setting the associated information stored in the database with timing to accept the acquisition request as transmitted information (col. 5, lines 38-51; col. 6, lines 40-45; col. 7, lines 23-30);

transmitting the associated information to the broadcast receiver (col. 5, lines 38-51; col. 6, lines 40-45; col. 7, lines 23-30; The broadcast materials that are being broadcast can be sent in real time as the broadcast materials are being broadcast or in advance of the delivery of the broadcast materials); and

when the on-air program changes to a next program, resetting the transmitted information as associated information of the next program for transmission (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7; When the data is provided by program provider in advance of the broadcast material, the data server can build a schedule for retrieval of the supplemental materials and their delivery to user equipment. The supplemental materials are provided to user equipment such that they can be presented to user equipment in coordination with the broadcast materials).

Consider **claim 2**, and **as applied to claim 1 above**, Mackintosh et al disclose the claimed invention wherein when the on-air program changes to a next program, the resetting removes the transmitted information until the program changes to the next program. (col. 5, lines 38-51; col. 6, line 56 to col. 7, line 7)

Consider **claim 3**, and **as applied to claim 1 above**, Mackintosh et al disclose the claimed invention wherein the resetting changes the transmitted information until changeover to the next program to associated information concerning the next program. (col. 5, lines 38-51; col. 6, line 56 to col. 7, line 7)

Consider **claim 5**, and **as applied to claim 1 above**, Mackintosh et al disclose the claimed invention wherein the associated information concerning a production which differs from the on-air program (read as image from an album cover) and is broadcast in the program is stored in the database (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20; col. 23, lines 7-25, figure 1; Program provider can provide to data server an identification of the broadcast materials that are being broadcast or others provided to user equipment. This data can be sent in real time as the broadcast materials are being broadcast or otherwise sent to user equipment or the data can be sent in advance of the delivery of the broadcast materials, wherein a schedule for the programming materials such that supplemental information associated with the broadcast materials can be coordinated with the broadcast materials.); and

the resetting changes the associated information transmitted at the transmitting to transmitted information concerning the new production when a next new production starts being broadcast (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7).

Consider **claim 6**, and **as applied to claim 5 above**, Mackintosh et al disclose the claimed invention wherein when the on-air program changes to a next program, the resetting removes the transmitted information concerning the production which was transmitted at the transmitting until the program changes to the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 7**, and **as applied to claim 5 above**, Mackintosh et al disclose the claimed invention wherein the resetting changes the transmitted information concerning the production transmitted until changeover to the next program to associated information concerning the new production. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 9**, and **as applied to claim 8 above**, Mackintosh et al disclose the claimed invention wherein when the on-air program changes to a next program, the resetting unit removes the transmitted information until the program changes to the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 10**, and as applied to **claim 8 above**, Mackintosh et al disclose the claimed invention wherein the resetting unit is configured to change the transmitted information until changeover to the next program to associated information concerning the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 11**, and as applied to **claim 8 above**, Mackintosh et al disclose the claimed invention wherein the database is configured to store the associated information concerning a production which differs from the on-air program (read as image from an album cover) and is broadcast in the program (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20, col. 23, lines 7-25; figure 1; Program provider can provide to data server an identification of the broadcast materials that are being broadcast or others provided to user equipment. This data can be sent in real time as the broadcast materials are being broadcast or otherwise sent to user equipment or the data can be sent in advance of the delivery of the broadcast materials, wherein a schedule for the programming materials such that supplemental information associated with the broadcast materials can be coordinated with the broadcast materials.); and

the resetting unit is configured to change the transmitted information to associated information concerning the new production when a next new production starts being broadcast. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7)

Consider **claim 12**, and as applied to **claim 8 above**, Mackintosh et al disclose the claimed invention wherein when the on-air program changes to a next program, the update means removes the associated information concerning the production which was transmitted by

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the associated information transmission means until the program changes to the next program.

(col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 12**, and as applied to **claim 8 above**, Mackintosh et al disclose the claimed invention wherein when the on-air program changes to a next program, the resetting unit removes the transmitted information concerning the production until the program changes to the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 14**, and as applied to **claim 13 above**, Mackintosh et al disclose the claimed invention wherein the on-air program changes to a next program, the resetting removes the transmitted information until the program changes to the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25).

Consider **claim 15**, and as applied to **claim 13 above**, Mackintosh et al disclose the claimed invention wherein the resetting changes the transmitted information until changeover to the next program to associated information concerning the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 16**, and as applied to **claim 13 above**, Mackintosh et al disclose the claimed invention wherein the database stores the associated information concerning a production which differs from the on-air program and is broadcast in the program (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20; figure 1; Program provider can provide to data

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server an identification of the broadcast materials that are being broadcast or others provided to user equipment. This data can be sent in real time as the broadcast materials are being broadcast or otherwise sent to user equipment or the data can be sent in advance of the delivery of the broadcast materials, wherein a schedule for the programming materials such that supplemental information associated with the broadcast materials can be coordinated with the broadcast materials.); and

the resetting changes the transmitted information to associated information concerning the new production when a next new production starts being broadcast. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 17**, and as **applied to claim 13 above**, Mackintosh et al disclose the claimed invention wherein when the on-air program changes to a next program, the resetting removes the transmitted information concerning the production which was transmitted at the transmitting until the program changes to the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Consider **4**, and as **applied to claim 1 above**, the best prior art of record found during the examination of the present application, **Mackintosh et al (US Patent # 6,317,784 B1)**, fail to

specifically disclose, teach, or suggest an information provision method wherein at the accepting, a server to provide the associated information receives request information which requests the associated information and a service session ID equivalent to a session ID associated with the associated information provision server transmitted from the broadcast receiver;

the associated information provision server performs an authentication process based on the service session ID and, when an authentication error occurs, transmits information indicating the authentication error and service identification information for identifying the associated information provision server to the broadcast receiver;

an authentication server receives authentication ticket issuance request information which requests to issue an authentication ticket for access to the associated information provision server as well as an authentication session ID equivalent to a session ID associated with the authentication server from the broadcast receiver;

the authentication server authenticates the authentication session ID, when granting an authentication, issues an authentication ticket, and transmits the issued authentication ticket to the broadcast receiver;

the associated information provision server receives the authentication ticket transmitted from the broadcast receiver and transmits the received authentication ticket to the authentication server;

the authentication server, when authenticating the received authentication ticket to be valid, transmits information indicating authentication permission to the associated information provision server;

the associated information provision server receives the information indicating authentication permission, issues a service session ID as a session ID associated with the broadcast receiver, and transmits the issued service session ID to the broadcast receiver;

at the transmitting, the associated information provision server receives request information to request the associated information as well as the service session ID from the broadcast receiver; and

the associated information provision server performs an authentication process using the service session ID and, when granting an authentication, transmits associated information corresponding to the request information to the broadcast receiver.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

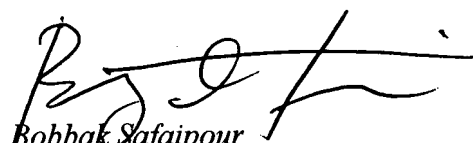
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.


Bobbak Safaipoor
B.S./bs

June 18, 2007

EDAN ORGAD
PRIMARY PATENT EXAMINER

 6/20/07